

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
FEDERAL HOUSING FINANCE AGENCY,
AS CONSERVATOR FOR THE FEDERAL
NATIONAL MORTGAGE ASSOCIATION
AND THE FEDERAL HOME LOAN
MORTGAGE CORPORATION,

Plaintiff,

- against -

MORGAN STANLEY, MORGAN STANLEY
& CO., INC., MORGAN STANLEY
MORTGAGE CAPITAL HOLDINGS LLC
d/b/a MORGAN STANLEY MORTGAGE
CAPITAL, INC., MORGAN STANLEY ABS
CAPITAL I, INC., MORGAN STANLEY
CAPITAL I, INC., SAXON CAPITAL, INC.,
SAXON FUNDING MANAGEMENT LLC
f/k/a SAXON FUNDING MANAGEMENT,
INC., SAXON ASSET SECURITIES
COMPANY, CREDIT SUISSE SECURITIES
(USA) LLC f/k/a CREDIT SUISSE FIRST
BOSTON LLC, RBS SECURITIES, INC.
d/b/a RBS GREENWICH CAPITAL and f/k/a
GREENWICH CAPITAL MARKETS, INC.,
GAIL P. MCDONNELL, HOWARD
HUBLER, CRAIG S. PHILLIPS,
ALEXANDER C. FRANK, DAVID R.
WARREN, JOHN E. WESTERFIELD, and
STEVEN S. STERN,

Defendants.
----- X

Case No. 11 Civ. 6739 (PKC)

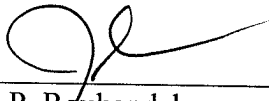
NOTICE OF JOINDER IN REMOVAL OF CIVIL ACTION

PLEASE TAKE NOTICE THAT defendants Gail P. McDonnell, Howard Hubler, Craig
S. Phillips, Alexander C. Frank, David R. Warren, John E. Westerfield, and Steven S. Stern,
pursuant to 28 U.S.C. §§ 1441(a), 1446(a), and 1452(a), hereby consent to, join in and adopt as if

filed as their own the Notice of Removal filed by Removing Defendants Morgan Stanley, Morgan Stanley & Co. Incorporated (n/k/a Morgan Stanley & Co. LLC), Morgan Stanley Mortgage Capital Holdings LLC (successor in interest to Morgan Stanley Mortgage Capital Inc.), Morgan Stanley ABS Capital I Inc., Morgan Stanley Capital I Inc., Saxon Capital, Inc., Saxon Funding Management LLC (f/k/a Saxon Funding Management, Inc.), and Saxon Asset Securities Company in the United States District Court for the Southern District of New York on September 26, 2011.¹

Dated: New York, New York
October 6, 2011

DAVIS POLK & WARDWELL LLP

By: 
James P. Rouhandeh
(rouhandeh@davispolk.com)
Brian S. Weinstein
(brian.weinstein@davispolk.com)
Daniel J. Schwartz
(daniel.schwartz@davispolk.com)
Nicholas N. George
(nicholas.george@davispolk.com)
Jane M. Morril (jane.morril@davispolk.com)
450 Lexington Avenue
New York, NY 10017
Tel.: (212) 450-4000
Fax: (212) 701-5581

*Attorneys for Defendants Gail P. McDonnell,
Howard Hubler, Craig S. Phillips, Alexander
C. Frank, David R. Warren, John E.
Westerfield, and Steven S. Stern*

¹ By joining in removal, the defendants do not waive and expressly reserve all rights, claims, and defenses, including without limitation all defenses related to jurisdiction, venue, and arbitrability. The defendants do not waive any defenses they may have to personal jurisdiction through joining in removal. Defendants note that filing of this joinder is not required to effectuate removal pursuant to 28 U.S.C. § 1452(a). See Cal. Pub. Employees' Ret. Sys. v. Worldcom, 368 F.3d 86, 103 (2d Cir. 2004); Kirschner v. Bennett, No. 07 Civ. 8165, 2008 WL 1990669, at *2 & n.5 (S.D.N.Y. May 7, 2008); Buechner v. Avery, No. 05 Civ. 2074, 2005 WL 3789110, at *4 (S.D.N.Y. July 8, 2005).